

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

NOV 13 2018  
Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEREMY DOUGLAS SMITH,

Defendant.

CR 18-44-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on October 25, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Jeremy Douglas Smith’s guilty plea after Smith appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession with the

intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) as set forth in Count II of the Indictment, and to one count of the possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 942(c)(1)(A)(I) as set forth in Count III of the Indictment. Defendant further agrees to the forfeiture allegation in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count I of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 48), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Jeremy Douglas Smith's motion to change plea (Doc. 32) is GRANTED and Jeremy Douglas Smith is adjudged guilty as charged in Counts II and III of the Indictment.

DATED this 13<sup>th</sup> day of November, 2018.

  
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Dana L. Christensen, Chief Judge  
United States District Court